

Appln. No. 09/605,612
Reply dated Jan. 24 2006 to
Interview Summary dated Jan. 17, 2006
Docket No. 6169-142

IBM Docket No. BOC9-1999-0085

REMARKS/ARGUMENTS

These remarks are filed in response to Applicants' receipt of the Interview Summary and Advisory Action, both of which were dated January 17, 2006. This response is filed after the 3-month shortened statutory period of the Final Office Action dated August 24, 2005, and as such, a retroactive extension of time is hereby requested. The Examiner is authorized to charge the appropriate extension fee and Request for Continued Examination (RCE) fee to Deposit Account 50-0951.

Applicants initially wish to express appreciation for the Examiner's taking time to discuss the case with Applicants' representative by phone on January 9, 2006, and for the remarks set forth in the Interview Summary. It was stated in the Interview Summary that "the Examiner did request Applicants to amend the declaration, [that] said declaration is considered to be in response [to] the request in the [Final Office Action], and thus the declaration will be entered."

In the Final Office Action, it was stated at page 10 that the evidence submitted in Applicants' response dated June 2, 2005, appears "sufficient to prove conception and diligence" from a date prior to the effective date of Wesemann. It was further stated in the Final Office Action, however, that the "submitted evidence is not filed in a proper format." The Examiner requested that "Applicant either address all of the evidence in the declaration or incorporated by reference thereto instead of mentioning the evidence in the remarks." In Applicants' November 23, 2005, response to the Final Office Action, Applicants submitted a Declaration, which, per the Examiner's instruction, addressed all of the evidence as requested by the Examiner.

In order to avoid further delay and expedite prosecution, Applicants hereby provide the Declaration with a Request for Continued Examination as instructed by the Examiner. Applicants respectfully submit that, in view of the evidence and the submitted Declaration, Wesemann is effectively removed from consideration against

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Applicants' invention. Applicants respectfully submit further that the invention thus defines over the prior art.

Applicants' also wish to thank the Examiner for entering into the record the previously submitted Declaration pursuant to 37 C.F.R. § 1.131 signed by inventor David E. Reich.

Conclusion

Applicants believes that this application is now in full condition for allowance, which action is respectfully requested. The Applicants requests that the Examiner call the undersigned if clarification is needed on any matter within this Response, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

Date: January 24, 2006



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